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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,811

07/21/2006

Loris Amathieu

0510-1135

9920

466 7590 02/11/2009

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EXAMINER

MARCANTONI, PAUL D

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

02/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,811	Applicant(s) AMATHIEU ET AL.	
	Examiner Paul Marcantoni	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/21/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

All of the "A" in preamble needs to be amended to "The". So A dense mortar is alright for claim 1 but the dependent claims off claim 1 should read --The dense mortar-- , not A dense mortar.

The terms "ettringite binder comprising calcium sulphates and a calcium aluminates mineral compound" is vague. Does ettringite binder comprise both calcium sulfate and calcium aluminate or only one as the binder or mixtures thereof? This is not clear and seems indefinite in claim 1.

The terms "calcium sulphates" should be calcium sulfate or calcium sulphate (British Spelling). Either spelling is acceptable. Amend to singular form throughout claims.

The term aluminates should be amended to aluminate which is singular throughout the claims.

The parentheses around C + A should be removed in claim 1.

The whole term "(PCP)" is redundant and should be deleted in claim 1 and throughout the claims.

The term "structuring organic resin" is vague. What does "structuring mean". Deletion of "structuring is advised" in claim 1.

The "(PCP)" listed twice in claim 3 should be deleted.

The terms "preferably" is indefinite in claim 3 and any other claim it is used. Applicants may consider an additional dependent claim to resolve this problem.

The terms "(PCP)" is again improper and should be deleted. Abbreviations in claims are improper.

The terms "chosen from among" in claim 5 should be amended to --selected from the group consisting of---.

The terms "either neutralized or not neutralized" is vague in claim 5. Do applicants mean with respect to pH are the components acids?

The terms "selected from among" should be amended to --selected from the group consisting of--- in claim 6. "(EVA)" should be deleted. Abbreviations in claim improper.

Delete "(PCP)" in claim 7 and "(EVA)". Again parentheses are indefinite and these abbreviations are nevertheless redundant of the written out component.

The terms "(PVA)" is improper and indefinite and should be deleted in claim 8.

The terms "possibly altered" is indefinite. What do you mean possibly? Is the inclusion altered or not? If it is altered, please delete "possibly". If not altered, delete the entire expression in claim 8.

The terms "(PCP)" and "(PVA)" need to be deleted as they are indefinite in claim 9.

The terms "preferably" is indefinite in claim 10. Adding an additional dependent claim is advised.

The terms "preferably" in claims 12 and 13 is indefinite and should be deleted.

Claim 15 is indefinite. It is clear what binder is not part of claim 1 (not Portland cement or hydraulic lime). Then what is the binder if not one of these?

Remove the parentheses around C + A to resolve indefinite issue in claim 16.

The terms "may contain" is indefinite in claim 17. If it contains one of these phases, then the "may" should be deleted.

The terms "selected from among" should be amended to --selected from the group consisting of--- in claim 18. The terms C₁₂A₇, C₃A, and C₄A₃\$ need to be re-written with proper subscripts. Further, what is with the \$? Do applicants mean S with C₄A₃S? Please correct to subscripts in this claim, claims 19-21, or anywhere else it occurs.

The terms "preferably" listed twice is indefinite in claim 19.

The terms "selected from among" should be --selected from the group consisting of--- in claim 20.

The terms "where x is an integer belonging to [0;1] " does not make sense. Do applicants mean --where x is an integer from 0 to 1---? If so, please correct.

Claim 22 states calcium aluminates. Change to aluminate.

The terms "selected from among" should be amended to --selected from the group consisting of--- in claim 23.

The term "semi-hydrates", while acceptable, is not commonly used to indicate calcium sulfate hemihydrate. Please amend to ---hemihydrate in claim 23 and throughout the specification. While semi-hydrate is permissible, it is not the most commonly used expression; calcium sulfate hemihydrate is the most common and means the same as calcium sulfate semihydrate.

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The terms “complementary additives are indefinite in claims 24 and 25. The term “complementary” “Theological” additives are indefinite in claim 24. There is not a religious aspect to a cement additive. Please delete “Theological”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Marcantoni whose telephone number is 571-272-1373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Marcantoni/
Primary Examiner, Art Unit 1793